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July 2, 2001

Senator Patrick J. Leahy
Chairman, Senate Judiciary Committee
United States Senate
433 Russell Senate Office Building
Washington, DC 20510

Dear Senator Leahy:

I am writing to you in your capacity as Chairman of the Senate Judiciary Committee with regard to your committee's consideration of President Bush's nomination of Jeffrey S. Sutton to serve on the U.S. Court of Appeals for the Sixth Circuit.

Let me first mention a few things about myself, to put my support for Mr. Sutton's confirmation by your committee and the current Senate in context.

I am a lifelong Democrat, and served as the Senior Law Clerk to Chief Justice Earl Warren and as Assistant Solicitor General of the U.S. in the 1960's. In the latter capacity I argued on behalf of the United States and various government agencies in 18 cases in the U.S. Supreme Court. For the past 31 years I have been a legal educator, teaching at Notre Dame, visiting at Virginia, Michigan, and S.M.U., and serving as Dean at the University of Toledo and, from 1985 to 1993, as Dean at The Ohio State University College of Law. In that latter capacity I came to know Jeff Sutton, first as an outstanding law student, and then, with my assistance, as a law clerk for Justices Powell and Scalia on the U.S. Supreme Court. When Jeff returned to Columbus to engage in private law practice with the Jones Day law firm's office, I asked him to co-teach a U.S. Supreme Court seminar with me (something I had been doing for over 20 years), and we did so with considerable success until I retired from Ohio State in 1997 and moved to Florida. Jeff and I complemented each other in the seminar, bringing somewhat differing views to some matters but agreeing on many. I might add that, in addition to teaching Constitutional Law and related subjects for over 30 years, I served for several years as the Legal Director of the National Center for Law and the Handicapped in South Bend, Indiana, and have both expertise in and sensitivity toward those with disabilities.

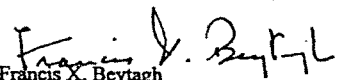
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I believe that Jeff Sutton would be an excellent federal appellate judge. He is a very bright, articulate and personable individual who values fairness highly. He is also a competent and experienced appellate lawyer. Indeed, Jeff's qualifications for such a position should be evident from perusal of his resume. I do not regard him as a predictable ideologue, and believe that your committee will reach the same conclusion after his hearing before you. I recommend and support his confirmation without reservation.

Thank you for your attention and consideration.

Sincerely yours,


Francis X. Beytagh
Dean Emeritus
The Ohio State University College of Law